

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CURTIS DAVIS,	)	
	)	Civil Action No. 04 - 953
Petitioner,	)	
	)	Judge Joy Flowers Conti
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
JAMES L. GRACE; THE DISTRICT	)	
ATTORNEY OF THE COUNTY OF	)	
ALLEGHENY; and THE ATTORNEY	)	
GENERAL OF THE STATE OF	)	
PENNSYLVANIA,	)	
	)	
	)	
Respondents.	)	

**ORDER**

The above captioned case was received on June 25, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation filed on October 24, 2005, recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. The Petitioner was served at S.C.I. Huntingdon, 1100 Pike Street, Huntingdon, PA 16654-1112 and on counsel of record for the Respondents. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections.

Petitioner filed objections to the report and recommendation on November 7, 2005 and attached several documents to the objections. The court finds that the import of those documents was considered in the Report and Recommendation, *i.e.*, in sections H and J(a). Respondents did not file a response to the objections. After review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

**AND NOW**, this 23rd day of December, 2005;

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DENIED**.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation of Magistrate Judge Lenihan, dated November 9, 2005, is adopted as the opinion of the court.

Dated: December 23, 2005

By the Court:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

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